

DO NOT ENTER - For Interview Summary Purposes ONLY - BK 11/04/2009
Rossi, Kimms & McDowell LLP

Intellectual Property Law

20609 Gordon Park Square
Suite 150
Ashburn, VA 20147

Phone: 703-726-6020
Fax: 703-726-6024
Mail@RKMLegalGroup.com

November 3, 2009

Examiner Bernard Krasnic
Group Art Unit 2624
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
Bernard.Krasnic@USPTO.GOV

VIA E-MAIL

Re: Interview Summary
U.S. Patent Application No. 10/712,181
Our Reference: KODA:377
Kodak Reference: 87279

Dear Examiner Krasnic:

Thank you for your time today in regard to our conversations. Pursuant to these conversations, I understand that you proposed to allow the present application if Claim 1, step (b), pertaining to an initial content-based image classification, was amended in some manner to exclude time as a consideration in order to overcome a potential new rejection based on the Loui Article ("Automatic Image Event Segmentation and Quality Screening for Albuming Applications", Loui et al., IEEE Int'l Conference on Multimedia and Expo, July 2000, New York City, New York"). While the Applicants do not concede that Claim 1 in its present form is not patentable over the Loui Article, Applicants proposed that Claim 1 instead be amended to state that --wherein the classifying of step (b), and the final image classification classify images into one of a predetermined number of classes M-- I pointed out that support for such an amendment could be found in the specification at least at page 3, lines 5-15, page 5, lines 10-14, and page 8, lines 10-12. (It should be noted, however, that the scope of amended Claim 1 is not limited to the details of these embodiments, which are referred to for purposes of illustration only.)

Also according to my understanding, you and I agreed that such a feature is distinguishable from the Loui Article. You then suggested that the phrase --, and wherein M is greater than or equal to two-- also be added to Claim 1. I agreed that this additional change was acceptable.

Finally, it is my understanding that you requested that some sort of computing device be added to Claim 1 in order to avoid potential issues under 35 U.S.C. § 101. While Applicants maintain that the present version of Claim 1 meets the requirements of Section 101 at least due to its step (d), additional amendments to Claim 1 are proposed herein in this regard. Although Claim 1 is not so limited, support for these amendments can be found in the specification at least at page 5, lines 2-3. Please also see the enclosed proposed claim amendments, which include all of the amendments to Claim 1 discussed above.

As mentioned in my voice mail, the amendments proposed herein are conditioned upon the allowance of the present application. If these amendments do not result in an allowance, Applicants request that the claims be left in their present form and that a new non-final office action be issued or that the application proceed to the Board of Patent Appeals and Interferences.

Please feel free to call me to discuss this matter further, as needed. I and the applicants appreciate the time you have taken to advance this case to issue.

Best regards,

Sincerely,

ROSSI, KIMMS & McDOWELL LLP

/Justin D. Petruzzelli/

Justin D. Petruzzelli
Attorney for Applicants
Reg. No. 52,118

Enclosure

PROPOSED CLAIM AMENDMENTS

1. (Currently Amended) A method for improving scene classification of a sequence of digital images comprising the steps of:
 - (a) providing a sequence of images captured in temporal succession, at least two pairs of consecutive images in the sequence of images having different elapsed times between their capture;
 - (b) classifying, with a programmed digital computer, each of the images individually based on information contained in the individual image to generate an initial content-based image classification for each of the images;
 - (c) generating, with a programmed digital computer, a final image classification for each image based at least on the respective initial content-based image classification and a pre-determined temporal context model that considers at least the temporal succession of the sequence of images; and
 - (d) storing the final image classifications in a computer readable storage medium,
wherein the classifying of step (b), and the final image classification classify
images into one of a predetermined number of classes M, and
wherein M is greater than or equal to two.
2. (Original) The method as claimed in claim 1 wherein the information used in step (b) includes pixel information.
3. (Original) The method as claimed in claim 1 wherein the information used in step (b) includes capture-device-generated metadata information.
4. (Original) The method as claimed in claim 1 wherein the pre-determined temporal context model in step (c) is independent of elapsed time between consecutive images.
5. (Previously Presented) The method as claimed in claim 1 wherein the pre-determined temporal context model in step (c) is dependent on elapsed time between consecutive images in the sequence.

6. (Original) The method as claimed in claim 1 wherein the pre-determined temporal context model is a causal Hidden Markov Model dependent on a previous image.

7. (Cancelled)

8. (Original) The method as claimed in claim 1 wherein the pre-determined temporal context model is a non-causal model dependent on both a previous image and a subsequent image.

9. (Cancelled)

10. (Original) The method as claimed in claim 1 wherein the temporal context model is imposed using Viterbi algorithm.

11. (Original) The method as claimed in claim 1 wherein the temporal context model is imposed using a belief propagation algorithm.

12. (Previously Presented) The method as claimed in claim 1 wherein the pre-determined temporal context model in step (c) is dependent on elapsed time between consecutive images in the sequence, such that different elapsed times between a particular pair of consecutive images produces a different revised image classification for a later-captured image of the particular pair of consecutive images.

DO NOT ENTER - For Interview Summary Purposes ONLY - BK 11/04/2009**Krasnic, Bernard**

From: Justin Petruzzelli [JustinPetruzzelli@RKMLegalGroup.com]
Sent: Wednesday, November 04, 2009 3:40 PM
To: Krasnic, Bernard
Subject: RE: NPL document.

Privileged and Confidential

Dear Examiner Krasnic,

It is acceptable to amend claim 12 at lines 4-5 "a different revised image classification" to be -- a different final image classification --. Thank you for following up, and please let me know if you need anything further.

Justin

Justin D. Petruzzelli, Esq.
Partner
Rossi, Kimms & McDowell LLP
Intellectual Property Law
W: 703-726-6020
F: 703-726-6024
20609 Gordon Park Square
Suite 150
Ashburn, VA 20147

The above message and any documents transmitted with this notice may contain information that is confidential and/or proprietary and/or subject to the attorney-client privilege and/or attorney work product. Such information is intended only for the review and/or use of the addressed party (whether individual or entity). If you are neither the intended recipient nor a representative of the intended recipient, then the disclosure, copying, distribution or taking of any action in reliance on the contents of this transmission is strictly prohibited. If you received this transmission in error, please notify the sender by replying to this message and then delete the information (message and attachments) entirely from your system. Thank you.